



## University of Baltimore Law Forum

Volume 10  
Number 1 Fall 1979

Article 5

1979

# Regressive Hypnosis and the Polygraph: A Case Study

Charles B. Mutter M.D.

Follow this and additional works at: <http://scholarworks.law.ubalt.edu/lf>



Part of the [Law Commons](#)

### Recommended Citation

Mutter, Charles B. M.D. (1979) "Regressive Hypnosis and the Polygraph: A Case Study," *University of Baltimore Law Forum*: Vol. 10: No. 1, Article 5.

Available at: <http://scholarworks.law.ubalt.edu/lf/vol10/iss1/5>

This Article is brought to you for free and open access by ScholarWorks@University of Baltimore School of Law. It has been accepted for inclusion in University of Baltimore Law Forum by an authorized administrator of ScholarWorks@University of Baltimore School of Law. For more information, please contact [snolan@ubalt.edu](mailto:snolan@ubalt.edu).

# Regressive Hypnosis and the Polygraph:

## A Case Study\*

by Charles B. Mutter, M.D.

This presentation deals with the examination of a female witness and possible suspect involved in a double murder. A polygraph apparatus was attached to the subject during a hypnotic regression. An ideomotor response signal equivalent to a polygraph type response was also utilized. The findings were significant psychodynamically and may explain why reliability of such procedures is deemed questionable.

Though hypnosis and the polygraph have been used in criminal investigation for many years, the Florida Appellate Court has ruled that polygraph tests and statements made during hypnosis are inadmissible as evidence because their reliability has not been proven. *Rodriguez v. State*, 327 So.2d 903 (Fla. App), cert. denied, 336 So.2d 1184 (1976). Studies have been made to determine the validity of the polygraph with hypnotically induced repression and guilt. Weinstein et al. (1970),<sup>1</sup> tested the polygraph's validity by hypnotically inducing repression and guilt in six subjects. They found that a person who has committed a crime may repress the experience sufficiently to pass the polygraph test, while an anxious person who has not committed a crime may render a false positive test. Bryan (1962)<sup>2</sup> studied this phenomenon by having a subject steal an object. Then he hypnotized her, suggested that she had stolen a second object, and had her forget the theft that she had committed. The polygraph test showed a response to both objects, which suggests that the unconscious may produce anxiogenic responses which can be demonstrated psychophysiology by the polygraph. It should be noted that both of these studies were of simulated situations, which is a variable to be considered. Orne (1957)<sup>3</sup> suggests that the subject realizes on some level of awareness that he is perfectly safe and is, therefore, being placed in a situation in which he is encouraged to play a role that the experimenter wants him to play. The author was unable to find any reference in the literature to hypnotic regression used concurrently with the polygraph in an actual criminal investigation.

In June, 1977, the author was asked to examine Kay, a female witness and possible suspect to a double murder in Miami. Kay's boyfriend was a drug courier who had "ripped off" a drug dealer. The boyfriend planned to kill the dealer because he feared retaliation. Kay went with him to the drug dealer's house, both armed with guns. The victim opened the door. Kay's boyfriend told her to go upstairs to see if anyone else was present in the house and he killed the victim while she was upstairs. She found a girl there and, despite Kay's protests, the boyfriend killed the girl. Both left the house shortly thereafter and Kay's boyfriend left town.

Kay feared her boyfriend would return to kill her because she had witnessed the shootings. She also felt guilty and went to the State Attorney's office to give evidence. The State Attorney said he would grant her immunity if a polygraph test indicated that she had not killed either person. She submitted to polygraph testing and failed. She told the State Attorney she was innocent, despite the test results, and was willing to do anything to prove her innocence. Kay went to a hypnotherapist in a neighboring town, hoping that he could help her feel less anxious and that she would then be able to pass a second test. She stated that she was placed in hypnosis but was not helped; she failed the second test. Kay told the State Attorney she was still willing to do anything to prove the veracity of her claim. The State Attorney subsequently called the author for consultation.

Kay was seen for psychiatric evaluation by the author in his office. Pertinent history revealed she had many unfulfilled dependency needs. She was somewhat masochistic and drug dependent. She had taken methamphetamine throughout the day, and had smoked marijuana approximately one hour prior to the homicide. There was no history of prior legal difficulties. Mental status examination revealed a precisely oriented female who understood all questions and answered in a logical and coherent manner. She appeared to be of above average intellect. Gait was normal. Psychomotor activity was increased. Her affect was one of anxiety, but appropriate. There were no mood swings, ambivalence or autism.

\*The Forum gratefully acknowledges "The American Journal of Clinical Hypnosis", American Society of Clinical Hypnosis, Vol. 22, Number 1, July 1979, for their permission to reproduce this article.

<sup>1</sup> E. Weinstein, S. Abrans & D. Gibbons. *The Validity of the Polygraph With Hypnotically Induced Repression and Guilt*, American Journal of Psychiatry 126, 128, 143-146 (1970).

<sup>2</sup> W. J. Bryan, Jr. *Legal Aspects of Hypnosis*, Springfield: Charles C. Thomas, 1962.

<sup>3</sup> M. T. Orne. *The Nature of Hypnosis: Artifice and Essence*, 58 Journal of Abnormal and Social Psychology 277-299 (1959).

Thinking was organized and goal directed. There was no evidence of hallucinations, delusions or ideas of reference. She was able to think abstractly. Judgment was impaired regarding her lifestyle. She had some insight. She also described nightmares of the incident. Tentative diagnosis was agitated depression with passive dependent features.

The author saw Kay a second time on July 1, 1977. She was placed in trance state in the presence of her attorney and a polygraph operator. A polygraph apparatus was attached and operated throughout the entire session. Analgesia was demonstrated. She appeared to be in a medium depth trance state. Her left hand was dissociated, and an ideomotor response signal equivalent to a polygraph type response (Arons, 1973)<sup>4</sup> was used throughout the session. The examiner suggested that whenever he tapped the dorsum of Kay's left hand, the index finger and thumb would touch briskly, like a reflex. This was repeatedly tested and operant throughout the session. Kay was regressed to the time of the offense. The ideomotor response was again reinforced with the added suggestion, "You index finger and thumb will touch whenever I tap your hand or whenever you say anything that is not true."

Kay's verbalizations in hypnosis were essentially consistent with information elicited in a total waking state. She did not show signs of age regression, but she did have recall and revivification. It was noted that marked anxiety was demonstrated when she described guns and the discovery of the female victim. She was asked if she killed the girl. When she said "No," the GSR (galvanic skin response) changed, indicating deception; but there was no ideomotor response. The conflicting responses suggested that Kay's unconscious mind believed she killed the girl. Further questioning revealed that Kay felt guilty when she found the female victim and felt directly responsible for her death, even though she pleaded for the victim's life. The author then asked Kay if she pulled the trigger. When she said "No," the GSR changed, indicating no deception; and the ideomotor response was consistent. A dissociation technique was then utilized by having her watch a replay on a television screen to detach her emotionally from the crime. Her responses were consistent with those previously described.

Based on the above, the author rendered an opinion that Kay was telling a credible story; and the responses on the polygraph were due to anxiety and guilt, rather than conscious suppression of information. Kay was given immunity, and her boyfriend was apprehended.

The author concluded that results of the regression and polygraph test performed concurrently were responsible for Kay's immunity. At a later date, Kay told the author she failed the polygraph given in conjunction with hypnosis. She was given another polygraph examination using the guilt association test. Based on those findings, the State Attorney finally relied upon the author's report and granted Kay immunity. The author then devised another type of study using ideomotor responses (Hanley, 1976).<sup>5</sup> When Kay was rehypnotized and deepened, her right hand was dissociated. An ideomotor response signal was used with the suggestion that whenever her hand was tapped, the index finger would rise and would also rise briskly anytime she would make a statement which was not true. It was then suggested that she answer "Yes" to all questions asked. The examiner devised four questions which were true when answered yes and four which were not. The questions were interspersed. A raised index finger response was made everytime she answered "Yes" to those questions which were not true. The examiner then suggested that Kay change the signal to the response that her right index finger would rise anytime she gave a truthful answer. The index finger rose with each truthful answer and did not move when she gave a false answer.

<sup>5</sup> F. W. Hanley. Annual Meeting ASCH. Chicago. 1976. Personal Communication.

## looking for information about **THE BAR EXAM** & **THE BEST BAR REVIEW COURSE?**

**Contact your UB student  
representatives:**

Matt Zimmerman	523-6190
David Layton	321-7921
Jim Durkin	644-6673
Roy Anderson	433-6180

**bri/modern bar review**

801 Mercantile Bldg.

Balto., Md.

752-2473

<sup>4</sup> H. Arons. *Hypnosis In Criminal Investigation*, Springfield: Charles C. Thomas (1973).

In summary, a case study is presented in which regressive hypnosis and polygraph are used concurrently to determine the veracity of statements pertaining to a criminal offense. It is difficult to produce scientific conclusions from a single case study; however, this study is unique since it deals with an authentic rather than a simulated occurrence. One may easily conclude that this study strongly demonstrates how the unconscious mind can modify psychophysiological responses if guilt is present, and alter them once the pathologic dynamics are found and worked through. In this case, the subject had an unconscious need to be seen as guilty even though she had not pulled the trigger. The concrete thinking in hypnosis (and in the unconscious mind) was involved in the idea that she had killed the girl. The ideomotor response did not indicate deception. One may suggest that the ideomotor response did not indicate deception. One may suggest that the ideomotor response is more accurate than the polygraph, but an advocate may suggest it was not always operant. Perhaps one way to test the ideomotor response would be to induce posthypnotic amnesia and bring the patient out of trance without re-

moving the ideomotor suggestions to see if the ideomotor responses were actually operant.

### Conclusion

Observations from this case report are:

(1) Polygraph testing is sensitive to the wording and type of questions asked.

(2) Dissociative ideomotor responses may be useful as a polygraph device.

(3) Depth of trance is important when ideomotor deceptive devices are employed.

(4) Underlying psychodynamics are very important and must be carefully evaluated prior to and during regression.

It is well established that people can lie, fantasize or confabulate responses while in hypnosis (Orne, 1971).<sup>6</sup> Further studies are suggested to establish veracity of polygraph type techniques in medicolegal proceedings.

<sup>6</sup> M. T. Orne. *The Simulation of Hypnosis: Why, How and What it Means*, 19 International Journal of Clinical and Experimental Hypnosis 183-210 (1971).

